

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NATASHA CARRIZALES,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

8:16CV414

ORDER

This matter is before the court after a review of the court file and pursuant to NECivR 41.2, which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, Federal Rule of Civil Procedure 4(m) establishes a 90-day time limit for service of process on any defendant in a civil case, absent a showing of good cause. Specifically, the rule mandates:

If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

In this case the complaint was filed on August 30, 2016. See Filing No. 1. There is no evidence in the record the plaintiff has attempted to serve the defendant, sought summons, or has taken any action against the defendant. The defendant has not made an appearance. It remains the plaintiff's duty to go forward in prosecuting the case. Under the circumstances, the plaintiff must make a showing of good cause for the failure of timely service or the action must be dismissed against the defendant. Upon consideration,

**IT IS ORDERED:**

The plaintiff has until the close of business on **December 23, 2016**, to file with the Clerk of Court evidence of service or show cause why this case should not be dismissed as against the defendants.

Dated this 7th day of December, 2016.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge